

1  
2  
3 UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
5 OAKLAND DIVISION  
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 DIEGO LYTHELL ANDERSON,

11 Defendant.  
12

Case No: CR 11-0938 SBA

**ORDER ACCEPTING REPORT AND  
RECOMMENDATION**

13  
14 On November 14, 2012, the Court referred this matter to Magistrate Judge Ryu ("the  
15 magistrate") for a report and recommendation on the acceptance of Defendant's guilty plea.  
16 Dkt. 42. On November 19, 2012, the Defendant appeared before the magistrate and, with the  
17 assistance of counsel, waived his right to enter a guilty plea before a district judge and instead  
18 consented to enter his plea in a hearing before the magistrate. Dkt. 46. The magistrate  
19 conducted a full hearing in the manner set forth in Federal Rule of Criminal Procedure 11. Id.  
20 After the advisements set forth in Rule 11, the Defendant entered a guilty plea in open court.  
21 Specifically, the Defendant pled guilty pursuant to a written plea agreement to Count One of  
22 the single count Indictment charging Defendant with a violation of 18 U.S.C. § 922(g)(1) -  
23 Felon in Possession of a Firearm. Id. The magistrate found that Defendant was fully  
24 competent and capable of entering an informed plea, that he was aware of the nature of the  
25 charges and the consequences of the guilty plea, and that the guilty plea was knowing and  
26 voluntary and supported by an independent factual basis. Id.

27 On November 19, 2012, the magistrate issued a Report and Recommendation in which  
28 she recommends that this Court accept Defendant's guilty plea. Dkt. 46. The Report and

---

1 Recommendation advises the parties that they may serve and file specific written objections to  
2 the order within fourteen day after being served with a copy of the order. Id. No written  
3 objections to the Report and Recommendation were filed prior to the hearing. At the  
4 November 30, 2012 sentencing hearing in this matter, the parties indicated that they have no  
5 objections to the Report and Recommendation. Accordingly,

6 IT IS HEREBY ORDERED THAT the magistrate's Report and Recommendation (Dkt.  
7 46) is ACCEPTED, the Defendant's plea is accepted, and the magistrate's Report and  
8 Recommendation shall become the order of this Court.

9 IT IS SO ORDERED.

10 Dated: 11/30/12

11   
12 SAUNDRA BROWN ARMSTRONG  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28